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WEST VIRGINIA.**State Board of Health—Organization, Powers, and Duties. (Act Feb. 20, 1913.)**

(An amendment and reenactment of certain sections of chapter 150 of the Code of 1906 and an addition of new sections.)

SECTION 1. There shall be a State board of health in this State, consisting of two physicians residing in each of the congressional districts thereof, and, until such a time as a bill redistricting the State is passed by the legislature, two members at large. Said physicians shall be graduates of reputable medical schools, and shall have practiced medicine for not less than six years continuously before their appointment, and no two members shall be residents of the same county when appointed; any member of the board moving into a county already the residence of another member shall vacate his office. The governor shall, in the month of May, in the year 1913, appoint said physicians, who shall be divided into two classes, each class consisting of one physician from each congressional district, and until such a time as a redistricting bill is passed, one at large. The term of office of each class shall begin on the first day of June, in the year of their appointment. The term of office for the first class shall continue two years and of the second class four years, and until their successors are appointed and qualified. When the term of office of either class, or of any of said physicians, expires the governor shall appoint their successors for the succeeding term. The governor may in like manner appoint physicians to fill any vacancy that may occur in the board, but any appointment to fill a vacancy shall be for the unexpired term. The term of office of the members of the State board of health now in office shall be continued by the governor for the term of their appointment, but at any time upon a rearrangement of district lines, or the formation of a new district in which two or more of the members live whose term of office expires at the same time, the governor shall have authority to remove, appoint, or regulate the offices in conformity to this act.

SEC. 3. Said board shall on a day to be fixed by them in every two years elect from their own number a president who shall hold his office for the term of two years, and until his successor has been elected and entered upon his duties. The board shall also have a secretary named by the governor who shall be one of their number, who shall be ex officio State health commissioner and as such exercise all the powers conferred upon him by this chapter, carry out all rules, regulations, and orders of the board, and exercise all other powers pertaining to offices of like kind. Said secretary shall be, when appointed, a physician in active practice; but during the term of his office the secretary shall devote his whole time to the duties of the office. The said board shall be a corporation by the name and style of the "State Board of Health of West Virginia," and have and use a common seal, and as such corporation may sue and be sued, contract and be contracted with, plead and be impleaded with, to the extent of the powers conferred upon them by this chapter. Said board may make and adopt all necessary rules, regulations, and by-laws not inconsistent with the laws or the constitution of the State or the United States, to enable it to perform its duties and transact its business in conformity to the provisions of this chapter. A majority of the board shall constitute a quorum for the transaction of business. The secretary shall call all meetings of the board upon orders of the president or the written request of any three members thereof.

SEC. 4. The secretary shall be the recording officer of the board, and in addition to the other duties prescribed in this chapter he shall respond to all communications from any member of the State board and other reputable physicians, and from officers of the State, and give them such information and advice as may be necessary from time to time as to measures of sanitation or other matters connected with public health and safety. He shall be the custodian of all books and papers, instruments or appliances, belonging to the State board of health or that may be invested in his care. He shall also do and perform such other duties as the State board may lawfully direct, and in

case of the prevalence of epidemic, endemic, infectious, and contagious diseases or other unusual sickness he shall, upon the request of the local health officers, visit the locality and advise with such health officers as the State board may direct and aid in the adoption of such regulations for its suppression as may seem best. He shall annually report to the governor, on or before the first day of January, each year's investigations, discoveries, and recommendations of the board, which shall be printed and distributed as soon as practicable thereafter in the same manner as other public documents of the State, except that the governor may cause said report to be printed and distributed annually.

SEC. 5. The board of health is invested with all the rights and charged with all the duties pertaining to organizations of like character, and shall be the sole advisor of the State in all questions involving the protection of the public health within its limits, and shall take cognizance of the interests of the life and health of the inhabitants of the State, and shall make or cause to be made sanitary investigations and inquiries respecting the cause of diseases, especially of epidemics, endemics, and the means of prevention, the sources of mortality, and the effects of localities, employments, habits, and circumstances of life on the public health. They shall inspect and examine the food, drink, and drugs offered for sale or public consumption, in such manner as they shall deem necessary, either in person or by agents or employees, and shall report all violations of the laws of this State relating to pure food, drink, and drugs, to the prosecuting attorney of the county in which such violation may occur, and lay before such prosecuting attorney the evidence in their knowledge of such violations. They shall also investigate the causes of disease occurring among the stock or domestic animals in the State; the methods of remedying the same, and shall gather information in respect to the matters embraced in this section and kindred subjects, for the diffusion among the people. They shall also examine into and advise as to the water supply, drainage, and sewerage of cities, towns, and villages, the ventilation and warming of public halls, churches, schoolhouses, workshops, prisons, and all other public institutions; the ventilation of coal mines and how to treat promptly accidents resulting from poisonous gases. When they believe that there is a probability that any infectious or contagious disease will invade the State from any other State, it shall be their duty to take such action and to adopt and enforce such rules as they may, in the exercise of their discretion, deem efficient for preventing the introduction and spread of disease or diseases. To better accomplish such objects, the State and county boards are empowered to establish and strictly maintain quarantine at such places as they may deem proper, and may adopt rules and regulations to obstruct and prevent the introduction or spread of contagious or infectious diseases to or within the State, and shall have power to enforce these regulations by detention and arrest, if necessary. They may have power to enter into any town, city, or corporation, factory, railroad train, steamboat, or any place whatsoever within the limits of the State for the purpose of investigating the sanitary and hygienic conditions, and may at their discretion take charge of any epidemic or endemic conditions arising within the limits of the State, and enforce such regulations as they may prescribe. But all expenses for guards, or other expenses incurred in controlling any endemic or epidemic conditions, shall be paid by the county in which such epidemic occurs.

The State board of health shall cause to be kept in the office of the county health offices vaccine lymph, diphtheria antitoxin, tetanus antitoxin, or any other serum preventives of disease that they may deem necessary, and furnish them free to the poor and indigent, and in other cases where it may be necessary in their judgment to prevent the spread of contagion. The State board shall also cause to be kept in the office of the secretary, vaccine lymph, diphtheria antitoxin, tetanus antitoxin, and any other form of serum preventives of disease that they may deem necessary, and distribute same to county and municipal health officers to be used for the benefit of the poor and indigent, and in other cases where they may deem it urgently necessary to check contagion, free of charge.

SEC. 6. It shall be the duty of the State board of health, upon the recommendation of the county court of the county, to appoint in each county of this State one legally qualified physician who shall be known as the county health officer. His term of office shall begin July 1, 1913, and continue for a period of four years, unless removed by said State board of health for good cause. The county health officer shall receive an official salary of not less than \$100 and such other amount as the county court may add for additional services, and actual expenses necessary for traveling expenses, unless for work especially done under orders of the State board of health. The salary of the county health officer shall be paid out of the treasury of the county, and he, together with the president of the county court and the prosecuting attorney, shall constitute the county board of health, of which the county health officer shall be the executive officer. The county board of health shall exercise all the powers, rules, and regulations of the State board so far as applicable to such county. It shall be the duty of every practicing physician to report to the county health officer every case of infectious or contagious disease that may arise or come under his treatment, and the county health officer shall, at least every three months, make a full report to the State board, giving the character of all such epidemic, endemic, infectious, or contagious diseases, stating the number of cases reported, character of infection, action taken by the county board to arrest the infection, and the results.

The jurisdiction of the county boards of health shall not extend to any town or city in this State having a health board of its own, but they may be and are, auxiliary to each other, and all city, town, and village boards of health or health officers, are secondary to, and subject to all orders of the State board which may, if deemed expedient, act through the county or municipal board. Any failure to comply with any of the provisions of this section shall be considered a misdemeanor, and upon conviction thereof the offender shall be fined not more than \$100.

SEC. 7a. It shall be the duty of every county or municipal health officer, to meet with the State board of health, or its representatives, at least once a year, due notice having been given, at such time and place as said State board of health may designate, to attend a school of instruction for the purpose of familiarizing such county health officers with their duties in the interests of public health. The actual expense of the attendance of such county or municipal health officer shall be paid by the county or corporation represented by such local officer upon presentation of a certificate showing the expense of such attendance made by the State board: *Provided*, That such expense shall not exceed an amount sufficient to cover an attendance of three days in any one year. Any county health officer may be excused from attending by the State board for good cause.

SEC. 16. The secretary of the State board of health shall receive a salary to be fixed by the board, not to exceed the sum of \$3,000 per year, with traveling, clerical, and other necessary expense incurred in the performance of his official duties within the limits of the State. The other members of said board shall receive \$4 per day for the time actually and necessarily employed by them in the discharge of duties of their office. The said board shall have power to expend annually for the purpose of performing the duties imposed by this act, including the maintenance of a laboratory and the employment of necessary chemists, bacteriologists, servants and agents, such sum as may be appropriated by the legislature for their use. The State board shall audit all bills made out in due form and verified by the members and employees or agents rendering service or incurring expense or traveling in the performance of the duties of their office or employments. Such bills when approved by the governor shall be paid out of the State treasury.

SEC. 19. If a person knowingly sell or expose for sale any diseased, corrupted, or unwholesome drugs or provisions, whether food or drink, without making the same known to the buyer, he shall be confined in jail not more than six months and fined not exceeding \$100.

SEC. 19a. Whenever the State board of health has reason to believe that any food drink, or drug sold or offered for sale is diseased, corrupted, unwholesome, or adulterated, it shall take or cause to be taken by its authorized agent, a specimen thereof and test or analyze the same. And if the result of such test or analysis in the case prove that the said food, drink, or drug is diseased, corrupted, unwholesome, or adulterated, the same shall be prima facie evidence of such fact in prosecutions under this act. If the board, deeming it necessary, shall cause such food, drink, or drug to be analyzed, the result of such analysis shall be recorded and kept in evidence, and a certificate of such results, sworn to by the person making the analysis, who shall also state under oath in his certificate that he was the first thereunto duly authorized by the State board of health, and state also the reasonable cost of such analysis, shall be admissible in evidence in prosecution under this act. The expense of such analysis, not exceeding \$15 in any one case, shall be included in the cost of such prosecutions and taxed in favor of said board of health.

SEC. 21a. There is hereby appropriated from any moneys in the State treasury not otherwise appropriated the sum of \$15,000 annually for the use of the State board of health in carrying out the provisions of the chapter.

SEC. 21b. All acts and parts of acts, inconsistent with this act, are hereby repealed.

WISCONSIN.

Prevention of Disease—Money from Liquor Licenses May be Used For, in Cities, Villages, and Counties. (Chap. 460, Act June 17, 1913.)

SECTION 1. Section 1562 of the statutes is amended to read:

"SEC. 1562. All moneys derived from such licenses shall be kept separate from other moneys by the town, city, and village treasurers and be applied solely to defraying the expense of supporting the poor and, if ordered by the city council, village board, or town board, for the prevention of disease and of the spread of disease and for public health administration in the city, town, or village which granted the license so far as is necessary for that purpose, provided that such city, town, or village supports its own poor. If any village does not under its charter provide for the support of the poor therein and the town in which such village is situated does support the poor therein all such moneys received by the village treasurer shall be paid to the treasurer of such town; and provided further, that in counties where the county system of supporting the poor shall have been adopted such moneys shall be paid by the town, village, or city treasurers receiving the same, unless the supervisors, trustees, or common council thereof shall have, by ordinance or resolution, authorized a different way of disposing thereof (which they may do), into the county treasury semiannually and shall be applied so far as is necessary to defraying the expense of supporting the poor of the county and such portion as shall be ordered by the county board for the prevention of disease and of the spread of disease and for public health administration."